

---

# COMMONWEALTH OF VIRGINIA



## OFFICE OF THE GOVERNOR

### Executive Order 27 (2002)

---

#### **VIRGINIA'S COMPLIANCE WITH THE FAIR LABOR STANDARDS ACT**

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and the laws of the Commonwealth, including but not limited to Section 2.2-103 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby renew an initiative to evaluate and promote compliance with the federal Fair Labor Standards Act (FLSA) by Executive Branch state agencies and, where appropriate, to design alternative strategies that would benefit agency operations and meet the requirements of the Act.

It shall be the policy of the Commonwealth of Virginia to conduct an ongoing review, through the Office of the Attorney General and such outside counsel as may be necessary, of the FLSA practices and procedures of the agencies of the Executive Branch of government.

The Fair Labor Standards Act, 29 U.S.C. 201, et seq., became applicable to state and local governments in April of 1986. At that time, agencies of the Commonwealth examined their employee positions and work practices in an effort to bring the Commonwealth into compliance with the Act. It is in the interests of the Commonwealth to continue this process of review, and to update its work practices to remain in full compliance with federal law.

In order to help maintain a government work force that fully conforms to applicable federal wage and hour laws, I direct all Secretaries and agency heads of the Commonwealth of Virginia to cooperate and aid the Office of the Attorney General in its reviews of FLSA practices, to support FLSA training activities, and to communicate to the Office of the Attorney General, through the Department of Human Resource Management, questions concerning FLSA requirements.

This Executive Order shall be applicable to all Executive Branch agencies and institutions, including state-supported institutions of higher education.

Where the Office of the Attorney General determines it is necessary to conduct formal review of agencies' FLSA compliance, it shall address the duties performed by various categories of employees and the compensation practices within Executive agencies and institutions. The Office of the Attorney General retains the flexibility to tailor its approach to each agency and institution to address specific conditions and needs. However, the Office of the Attorney General shall generally examine employment policies and procedures, interview managers, and visit sites within each executive agency and institution. An educational component, intended to familiarize Human Resource personnel with the overall requirements of the Act, shall precede each review. This training should result in promoting the involvement of Human Resources personnel in the review process.

Following the review, the Office of the Attorney General shall offer advice to the agencies on changing operations in order to avoid FLSA violations. It shall also make suggestions regarding how the agencies could take advantage of FLSA rules to improve operations. The costs of formal reviews shall be borne by the agencies under review. The Office of the Attorney General shall make agency heads aware of their responsibility to cooperate with these reviews and to pay their costs.

This Executive Order rescinds Executive Order Fifty-Three (99) issued by Governor James S. Gilmore, III. This Executive Order shall be effective upon its signing, and shall remain in full force and effect until June 30, 2006, or until amended or rescinded by further Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 26<sup>th</sup> day of June 2002.

---

Mark R. Warner, Governor

Attest:

---

Secretary of the Commonwealth